

# TESTAMENTARY SYSTEM.

4. Every such commission, if the persons therein named, or any of them, shall qualify under it, shall be recorded in the office of the register of wills, amongst the proceedings of the orphans court, whereof they are appointed justices.

5. The justices of the orphans court in each county, already commissioned and qualified, shall be and are hereby authorized, until a new commission shall be produced and opened as aforesaid, to hold their offices, and exercise the powers vested in orphans courts by this act, or by any law which shall be in force after the operation of this act shall commence.

6. Any person who shall qualify under such commission may also act under a commission as justice of the peace.

7. But no person named in such commission to the orphans court shall be authorized to act as justice of the orphans court, until he shall have repeated and subscribed a declaration of his belief in the christian religion, and taken, repeated and subscribed, the oath of allegiance prescribed by the constitution, and the oath of a judge or justice prescribed by the act of February, seventeen hundred and seventy-seven, chapter five, and the oath of fidelity to the United States, prescribed by act of congress; and any person named in such commission may administer the said oaths to, and take the declaration aforesaid of, any other named in the commission, but it shall not be necessary for any person named in such commission, who has acted as justice under the next preceding commission, to qualify on opening the new commission.

8. The orphans court shall be held in each county on the second Tuesday in every month of February, April, June, August, October and December, and oftener if need be, according to its own adjournment; and any one of the justices of the said court, in the absence of the others, shall have power to hold the said court, at a stated time of adjournment, only for the purpose of adjourning; any two of them shall have full power to do any act which the said court is or shall be authorized by law to perform; and any two of them shall have power to hold the court, on any day not named in an adjournment, on the application of any person having pressing business in the said court, provided notice thereof be given to all, and in such case the register shall record, that such notice hath been given.

9. The register of wills in each county, already or hereafter to be appointed agreeably to the constitution, shall diligently attend each meeting of the orphans court in his county, and under their direction make full and fair entries of their proceedings, and shall also make a fair record, in a strong bound book or books, of all wills proved before him, or the said court, or authenticated according to this act, and of all other matters by law directed to be recorded in the said court, or in his office; he shall make out and issue every summons, process, or order of the court, and shall, in every respect, act under their control and direction, as the clerk of a court of law is under the direction of the said court of law; and he shall give out, and certify under the seal of the court, any copy of any part of the proceedings in the court, or in his office, which any person may demand; and he shall be entitled to a reward for any service by him done, according to the table of fees now or hereafter to be settled by law.

10. The said register of wills shall attend on every Tuesday and Saturday at the town or place where the orphans court is held, unless prevented by sickness, accident or necessity, for the dispatch of office business; he shall lodge every original paper, and record by him made up, in some repository of the courthouse of the county; and the court or board, authorized to superintend the money matters of the county, shall provide and keep in repair the said repository at the county's charge.

11. Every person hereafter appointed register of wills, before he acts as such, shall, before the said court, or some judge or justice, qualify, by repeating and  
subscribing